

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CAUSE NO.: 2:09-CR-21-JTM-PRC
)	
DARLENE PETERSON,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT DARLENE PETERSON**

TO: THE HONORABLE JAMES T. MOODY, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Darlene Peterson's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on February 22, 2010, with the consent of Defendant Darlene Peterson, counsel for Defendant Darlene Peterson, and counsel for the United States of America.

The hearing on Defendant Darlene Peterson's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Darlene Peterson under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Darlene Peterson,

I FIND as follows:

(1) that Defendant Darlene Peterson understands the nature of the charge against her to which the plea is offered;

(2) that Defendant Darlene Peterson understands her right to trial by jury, to persist in her plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and her right against compelled self-incrimination;

(3) that Defendant Darlene Peterson understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Darlene Peterson understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Darlene Peterson has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Darlene Peterson is competent to plead guilty;

(6) that Defendant Darlene Peterson understands that her answers may later be used against her in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Darlene Peterson's plea; and further,

I RECOMMEND that the Court accept Darlene Peterson's plea of guilty to the offense charged in Count 5 of the Indictment and that Defendant Darlene Peterson be adjudged guilty of the offense charged in Count 5 of the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Darlene Peterson be adjudged guilty, a sentencing date before Judge James T. Moody will be set by separate order. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 22nd day of February, 2010.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable James T. Moody